IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5052 OF 2004

Mahendra Pukhraj Jain @ Pokhadia ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Dinesh Tiwari for Applicant.
Shri D.R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : NOVEMBER 29, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The prosecution case is that the Applicant was engaged in the offence alongwith the other accused, punishable under section 489 (B), (C) read with Section 120 (B) of the Indian Penal Code. Counsel for the applicant contends that accepting the prosecution case as it is, even so at the best, the applicant will be guilty of offence punishable under section 489 (C) only, which is a bailable offence. This submission clearly overlooks the material on record about the recovery of fake currency notes to the extent of

Rs.1,05,000/- from the Applicant. Besides there is evidence about the circulation of the fake currency notes by the co-accused in Maharashtra and Rajasthan. The Applicant has been implicated in the offence also because of the conspiracy and charge under section 120(B) is also invoked. If it is so, not a case for bail. Hence, rejected.

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